

## **§ 439.52**

### **§ 439.52 Suspension of accreditation.**

The accreditation of a laboratory will be suspended if the laboratory or any individual or entity responsibly connected with the laboratory is indicted or has charges on information brought against them in a Federal or State court for any of the following violations of law:

- (a) Any felony.
- (b) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.
- (c) Any misdemeanor based upon a false statement to any governmental agency.
- (d) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

### **§ 439.53 Revocation of accreditation.**

The accreditation of a laboratory will be revoked for the following reasons:

(a) An accredited laboratory that is accredited to perform analysis under §§ 439.5, 439.10 and 439.20 of this part will have its accreditation revoked for failure to meet any of the requirements of § 439.20 of this part, except for the following circumstances. If the accredited laboratory fails to meet any of the criteria set forth in §§ 439.20(d) and 439.20(h) of this part and it has not failed during the 12 months preceding its failure to meet the criteria, it shall be placed on probation, but if it has failed at any time during those 12 months, its accreditation will be revoked.

(b) An accredited laboratory will have its accreditation revoked if the Administrator determines that the laboratory or any responsibly connected individual or any agent or employee has:

- (1) Altered any official sample or analytical finding; or
  - (2) Substituted any analytical result from any other laboratory and represented the result as its own.
- (c) An accredited laboratory will have its accreditation revoked if the laboratory or any individual or entity responsibly connected with the laboratory is convicted in a Federal or State

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court of any of the following violations of law:

- (a) Any felony.
- (b) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.
- (c) Any misdemeanor based upon a false statement to any governmental agency.
- (d) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

### **§ 439.60 Notification and hearings.**

Accreditation of any laboratory will be refused, suspended, or revoked under the conditions previously described in this Part 439. The owner or operator of the laboratory will be sent written notice of the refusal, suspension, or revocation of accreditation by the Administrator. In such cases, the laboratory owner or operator will be provided an opportunity to present, within 30 days of the date of the notification, a statement challenging the merits or validity of such action and to request an oral hearing with respect to the denial, suspension, or revocation decision. An oral hearing will be granted if there is any dispute of material fact joined in such responsive statement. The proceeding will be conducted thereafter in accordance with the applicable rules of practice, which will be adopted for the proceeding. Any such refusal, suspension, or revocation will be effective upon the receipt by the laboratory of the notification and will continue in effect until final determination of the matter by the Administrator.

## **PART 441—CONSUMER PROTECTION STANDARDS: RAW PRODUCTS**

AUTHORITY: 21 U.S.C. 451–470, 601–695; 7 U.S.C. 450, 1901–1906; 7 CFR 2.18, 2.53.

SOURCE: 66 FR 1771, Jan. 9, 2001, unless otherwise noted.

### **§ 441.10 Retained water.**

(a) Raw livestock and poultry carcasses and parts will not be permitted to retain water resulting from post-